

October 7, 2019

Regional Freedom of Information Officer  
U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY)  
1595 Wynkoop Street  
Denver, CO 80202-1129

Re: FOIA Request

Dear Sir or Madam:

I am writing on behalf of Sunnyside Gold Corporation ("SGC") to request the production of documents that are in the possession, custody, or control of the United States Environmental Protection Agency ("EPA") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*

Pursuant to this request, please make available for inspection, or provide us with copies of, all records<sup>1</sup> in the care, custody, or control of the U.S. EPA, Region 8 (CO, MT, ND, SD, UT, WY) that relate or pertain to the following request:

1. All lists, determinations and control strategies submitted to EPA by the States of New Mexico and Utah (the "States") pursuant to Section 304(l)(1) of the CWA (33 U.S.C. 1314(l)(1)), and all supplements or amendments thereto, including records submitted by the States after EPA's amendments to 40 CFR 130.10(d)(3) (pursuant to 57 FR 33040, July 24, 1992) in response to NRDC v. U.S. EPA, 915 F.2d 1313 (9th Cir. 1990), as well as all of EPA's related proposed approval decisions, requests for comment, responses to comment and final approval decisions, and all supplements or amendments.

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<sup>1</sup> "Records" include any papers, reports, agreements, contracts, amendments, orders, documents, notes, work papers, memoranda, logs, databases, spreadsheets, drawings, photographs, images, specifications, communications, electronic files, e-mails, voice mails, digital recordings, instant messages, text messages, or any electronically stored information, whether generated or received by EPA and/or EPA's contractors, sub-contractors, agents or consultants.

2. All General Notice Letters or CERCLA Section 104(e) Information Requests sent to any party in the Bonita Peak Mining District ("BPMD") from February 7, 2019 to the present.
3. All settlement agreements or Administrative Orders on Consent issued to any party other than SGC regarding CERCLA liability or cleanup activities in the BPMD, from July 10, 2018 to the present.

If any part of the records requested are not produced based on a claim of privilege or other disclosure exemption, please prepare a privilege log and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the date(s) of creation of the record; (iii) the subject of the record; (iv) the author and all recipients of the record; (v) the names of the people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which EPA is withholding the record and which specific statutory and regulatory provisions support the withholding. To the extent any responsive documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt materials contained within such documents.

If you have any questions or concerns regarding the above, please contact the undersigned at (406) 252-3441, or [pgarman@crowleyfleck.com](mailto:pgarman@crowleyfleck.com). Additionally, if you anticipate that responding to this request will incur costs in excess of \$250, please contact us prior to completing the request.

Sincerely,

CROWLEY FLECK PLLP



PAMELA C. GARMAN